

Serial Number: 10/013,049
Art Unit: 1744

REMARKS

CLAIM REJECTIONS UNDER 35 USC § 103

Claims 1-12, 14-16, 18-25 and 35-37 stand rejected under 35 U.S.C. §103(a) as being obvious over Riehle et al. (US 6,554,961 or US 2003/0205345) in view of Miller et al. (US 5171795).

COMMON OWNERSHIP OF CITED REFERENCE

The subject matter of the of the reference, Riehle et al. (US 6,554,961 or US 2003/0205345) and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Because Riehle et al. and the present application were commonly owned at the time the invention was made, Riehle should not be used as prior art against the present application. For this reason, it is respectfully requested that this rejection be reconsidered and withdrawn.

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CLAIM REJECTIONS: DOUBLE PATENTING

a) Claims 1-29 and 31-39 stand provisionally rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of co-pending Application 10/006,027 in view of Miller (US 5,171,795).

In order to expedite prosecution of the present application a terminal disclaimer is being filed with respect to co-pending Application 10/006,027. The filing of this terminal disclaimer is not an admission of the propriety of the rejection.

b) Claim 1-27 and 35-37 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claim 1-7 and 10-15 of co-pending Application No. 10/396,155 in view of Riehle (US6,554,961) and Miller (US 5,171,795).

In order to expedite prosecution of the present application a terminal disclaimer is being filed with respect to co-pending Application 10/396,155. The filing of this terminal disclaimer is not an admission of the propriety of the rejection.

It is submitted that the foregoing reply is completely responsive and that all grounds of rejection and objection have been completely overcome or obviated. It is submitted that all claims are now in condition for allowance and a notice of allowance for all pending claims is respectfully requested.

An extension of time has been filed with this amendment.

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The commissioner is expressly authorized to charge the extension of time fee and the fees for filing the terminal disclaimers for this application to deposit account number 08-1800. If there are any additional fees required to have this amendment entered or to keep the application pending the commissioner is hereby authorized to change the fee to deposit account number 08-1800.

Should there be any questions or comments regarding this paper or the present application, Examiner is invited to contact the undersigned at the below listed telephone number.

Sincerely,



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